

Rule 23.1 Class Actions

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(a) **Designation.** In any case sought to be maintained as a class action, the complaint, or other pleading asserting a class action, shall include, next to its caption, the legend "Class Action."

(b) **Class Action Allegations.** The complaint, or other pleading asserting a class action, shall contain, under a separate heading styled "Class Action Allegations," the following:

(1) A reference to the portion or portions of Fed. R. Civ. P. 23 under which it is claimed that the suit is properly maintainable as a class action; and

(2) Appropriate allegations thought to justify such claim, including, but not necessarily limited to:

(A) the size (or approximate size) and definitions of the alleged class;

(B) the bases upon which the party or parties maintaining the class action or other parties claiming to represent the class are alleged to be an adequate representative(s) of the class;

(C) the alleged questions of law and fact claimed to be common to the class; and

(D) in actions claimed to be maintainable as class actions under Fed. R. Civ. P. 23(b)(3), allegations intended to support the findings required by that subdivision.

(c) **Class Action Determination.** Unless the Court otherwise orders, ~~the party or parties asserting a class action shall, within ninety (90) days after the filing of a pleading asserting the existence of a class or within such other period of time mandated by controlling statute, move at the parties' Rule 26(f) planning meeting, the parties shall identify any legal questions that should be considered, including any that should be considered pursuant to Rule 12, prior to the initiation of class discovery. Further, the parties shall discuss what class-related discovery is required, if any, in advance of the submission of a motion~~ for a determination under Fed. R. Civ. P. 23(c)(1), whether the action is to be maintained and, if so, the membership of the class. (See Appendix M.) As soon as practicable after the motion papers for and against class action determination have been submitted, the Court shall enter an order determining whether the action shall be so maintained. Nothing in this Rule shall preclude any party from moving to strike the class action allegations.

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